

**MINUTES OF THE OPEN SESSION  
OF THE RHODE ISLAND ETHICS COMMISSION**

**May 17, 2011**

**The Rhode Island Ethics Commission held its 8th meeting of 2011 at 9:00 a.m. at the Rhode Island Ethics Commission conference room, located at 40 Fountain Street, 8th Floor, Providence, Rhode Island, on Tuesday, May 17, 2011, pursuant to the notice published at the Commission Headquarters, the State House Library, and electronically with the Rhode Island Secretary of State.**

**The following Commissioners were present:**

**Ross Cheit, Chair Frederick K. Butler\***

**Deborah M. Cerullo SSND, Vice Chair Edward A. Magro**

**J. William W. Harsch, Secretary John D. Lynch, Jr.**

**James V. Murray**

**Also present were Edmund L. Alves, Jr., Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Katherine D'Arezzo, Senior Staff Attorney; Staff Attorneys Jason Gramitt, Dianne L. Leyden and Amy C. Stewart; and Commission Investigators Steven T. Cross, Peter J. Mancini and Gary V. Petrarca.**

**At 9:02 a.m. the Chair opened the meeting. The first order of**

**business was a motion to approve minutes of the Open Session held on May 3, 2011. Upon motion made by Commissioner Murray and duly seconded by Commissioner Lynch, it was unanimously**

**VOTED: To approve minutes of the Open Session held on May 3, 2011.**

**ABSTENTIONS: Edward A. Magro and Deborah M. Cerullo SSND.**

**The next order of business was advisory opinions. The advisory opinions were based on draft advisory opinions prepared by the Commission Staff for review by the Commission and were scheduled as items on the Open Session Agenda for this date. The first advisory opinion was that of Mario P. Celico, a former Westerly Planning Board member. Staff Attorney Stewart presented the Commission Staff recommendation and noted a correction on page 2 of the draft, which should reflect that the Petitioner's resignation was accepted by the Town Council. The Petitioner was present. Upon motion made by Commissioner Murray and duly seconded by Commissioner Harsch, it was unanimously**

**VOTED: To issue an advisory opinion, attached hereto, to Mario P. Celico, a former Westerly Planning Board member.**

**The next advisory opinion was that of Steven G. O'Donnell, the Commissioner of the Rhode Island Department of Public Safety and**

**Superintendent of the Rhode Island State Police. Staff Attorney Gramitt presented the Commission Staff recommendation. The Petitioner was present, along with Jamia McDonald, Governor Chafee's Deputy Chief of Staff, and Danica Iacoi, Esq.**

**\*Commissioner Butler arrived at 9:20 a.m.**

**In response to Chair Cheit, the Petitioner stated that they did consider having the 2nd Lieutenant Colonel of the State Police handle such matters, but he is still under his chain of command. In response to Chair Cheit, Ms. McDonald advised that she previously served as Director of Business and Technology for the Springfield, MA Police Department, overseeing over 100 sworn police officers. She also informed that part of her duties in the Governor's Office involves public safety. She stated that, if she were to leave the Governor's Office, another individual within the Office, or perhaps the Governor himself, could handle such matters. Upon motion made by Commissioner Harsch and duly seconded by Commissioner Magro, it was unanimously**

**VOTED: To issue an advisory opinion, attached hereto, to Steven G. O'Donnell, the Commissioner of the Rhode Island Department of Public Safety and Superintendent of the Rhode Island State Police.**

**ABSTENTION: Frederick K. Butler.**

**At 9:22 a.m., upon motion made by Commissioner Lynch and duly seconded by Commissioner Cerullo, it was unanimously**

**VOTED: To go into Executive Session pursuant to R.I. Gen. Laws § 42-46-5(a)(1),(2),(4) and (5), to wit:**

**a.) Motion to approve minutes of Executive Session held on May 3, 2011.**

**b.) In re: John Winfield, Jr., Complaint No. 2010-6**

**c.) Lease Negotiations Update.**

**d.) Discussion and review re: Legal Counsel's contract.**

**e.) Motion to return to Open Session.**

**Prior to convening in Executive Session, Chair Cheit stated that Legal Counsel was notified of, and has waived, his right to have discussion and review of his contract held in Open Session.**

**The Commission returned to Open Session at 10:15 a.m. The next order of business was a motion to seal minutes of the Executive Session held on May 17, 2011. Upon motion made by Commissioner Butler and duly seconded by Commissioner Murray, it was unanimously**

**VOTED: To seal minutes of the Executive Session held on May 17, 2011.**

**Chair Cheit reported that the Commission took the following actions in Executive Session: 1) approved minutes of the Executive Session held on May 3, 2011; 2) found that probable cause exists in the matter of In re: John Winfield, Jr., Complaint No. 2010-6; 3) received an update on lease negotiations; and 4) discussed and reviewed Legal Counsel's contract. All votes taken in Executive Session were unanimous, with three abstentions on the vote to approve the minutes.**

**The next order of business was discussion of and a potential vote on Legal Counsel's contract. Upon motion made by Commissioner Murray and duly seconded by Commissioner Cerullo, it was unanimously,**

**VOTED: To renew Legal Counsel's contract for another year.**

**The next order of business was a Legislative Update. Staff Attorney Gramitt stated that no action has been taken on any of the pending legislation and there is nothing new to report.**

**The next order of business was the Director's Report. Executive Director Willever reported that there are five complaints and six**

advisory opinions pending. He stated that one formal APRA request has been granted since the last meeting. In a budget update, Director Willever advised that he and Senior Staff Attorney D'Arezzo recently appeared before the House Fiscal Committee regarding the FY 2011 Revised and FY 2012 Budgets. He informed that the Commission has cut everything it can in its budget, which has not been overspent during his tenure. He reported that the current year's revised budget is approximately \$1.5 million and it will be close to that amount in FY 2012. He noted that about 85% of that amount relates to personnel costs and is non-discretionary.

Director Willever provided an overview of the Commission's operating expenses and advised that the Commission will spend within 1-2% of its allocation this year, returning some personnel funds due to a gap experienced when filling the Staff Attorney I position earlier in the year. He advised that the adjustments requested at the House Finance Committee hearing have already been made. He indicated that there will be no funding allocated for staff training or the COGEL conference next year, but that he will consider other avenues to achieve this.

Senior Staff Attorney D'Arezzo clarified that the Commission did not ask for additional funds at the House Finance hearing, as a recent Providence Journal article seemed to imply. She stated that the Commission will not spend its entire enacted allocation for the current year, but that the Governor's revised recommendation

essentially eliminated all funding for staff training and office supplies and equipment in the current year. She informed that these funds have already been spent, with the Budget Office's authorization, particularly with regard to sending Staff Attorney Gramitt to the COGEL conference in December. She explained that the Commission simply requested that the enacted amounts, most of which have been expended already, be restored to this year's operating costs. She noted that a similar request was made to allocate \$6,060 back to operating costs for next year. Senior Staff Attorney D'Arezzo further clarified that the Commission's lease is not 80% of its budget. She advised that the Commission has an annual operating budget of approximately \$170,000, of which amount the lease comprises about 70%. She stated that the lease comprises just 7% of the entire budget.

The next order of business was New Business. Chair Cheit announced that the Regulation Subcommittee will meet immediately after adjournment.

At 10:23 a.m., upon motion made by Commissioner Harsch and duly seconded by Commissioner Magro, it was unanimously

**VOTED: To adjourn.**

**Respectfully**

**submitted,**

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**Harsch**

**J. William W.**

**Secretary**